

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELEWARE**

In re:

W.R. GRACE & CO., et. Al.

Debtors.

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Chapter 11

Cause No. 01-01139

**CLAIMANT MICHELLE ARCHER'S RESPONSE TO
DEBTORS' FIFTH OMNIBUS OBJECTION TO CLAIMS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Michelle Archer, Claimant, and hereby files her Response to the Debtors' Fifth Omnibus Objection to Claims, and in support thereof would show the Court as follows:

Claimant contact information

Claimant is Michelle Archer who has a mailing address of 706 West Texas, Iowa Park Texas 76367, a home telephone number of (940) 592-9072, and a facsimile number of (940) 592-1430. Claimant may also be reached through her attorney, John E. Wall, Jr., 5738 Prospect Avenue, Suite 2001, Dallas, Texas 75206-7284, telephone number (214) 887-0100, and facsimile number (214) 887-0173.

Claim

Claimant, Michelle Archer, filed suit in The United States District Court For The Northern District of Texas Wichita Falls Division on January 14, 1999, against her former employer, Cryovac, Inc. on claims of discrimination in violation of 38 U.S.C. §4311(b) and Tex. Lab. Code Ann. § 451.001, Civil Action No. 7-99-CV-011-X.

Claimant identified damages including lost wages (past and future), lost benefits (past and future), and exemplary damages (past and future). This case could either be settled or an evidentiary hearing could be held to ascertain Claimant's damages.

Argument

Claimant filed suit against Cryovac, Inc. on January 14, 1999 prior to the corporations filing of bankruptcy. Defendants/Debtors conducted discovery including depositions, written interrogatories, and Depositions by Written Questions to verify liability and damages. Defendants/Debtors are well aware of the nature of the claims made for relief and damages claimed by Mrs. Archer.

Defendants/Debtors previously offered some money, although not enough to resolve the case. After the failed mediation on May 20, 1999, Mrs. Archer learned of the Petition for Bankruptcy relief.

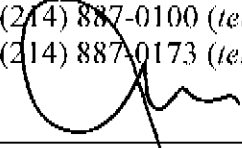
Mrs. Archer timely filed her Proof of Claim.

Supporting Documentation

1. Letter dated August 15, 2002 from WR Gracc Bankruptcy, addressed to Attorney, John E. Wall, Jr. acknowledging receipt of a completed claim by client.
2. Claim acknowledgement listing Michelle B. Archer as a Claimant.
3. Proof of Claim of Michelle Archer in the United States Bankruptcy Court for the District of Delaware.
4. First page of Michelle Archer's petition against Cryovac, Inc.

Respectfully submitted,

LAW OFFICES OF JOHN E. WALL, JR.
5728 Prospect Avenue, Suite 2001
Dallas, Texas 75206
(214) 887-0100 (telephone)
(214) 887-0173 (telecopy)




John E. Wall, Jr.
State Bar No. 20756750
Attorney for Claimant, Michelle Archer

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been served on opposing counsel as follows via facsimile on this the 4th day of June, 2004.

Rachel R. Schulman
Kirkland & Ellis, L.L.P.
200 East Randolph Drive, Suite 6500
Chicago, Illinois 60601
VIA FACSIMILE (312) 861-2200

David W. Carickhoff, Jr.
Pachulski, Stang, Zichl, Young, Jones, & Weintraub, P.C.
919 N. Market Street, 16th Floor
P.O. Box 8705
Wilmington, Delaware 79899
VIA FACSIMILE (302) 652-4400



John E. Wall, Jr.

WR GRACE BANKRUPTCY
OFFICE OF THE CLAIMS AGENT
P.O. BOX 1620
FARIBAULT, MN 55021-1620
1-800-432-1909

August 15, 2002

JOHN E WALL JR
LAW OFFICES OF JOHN E WALL JR
5728 PROSPECT AVENUE
SUITE 2001
DALLAS TX 75206

Re: **W. R. Grace & Co., et al Bankruptcy**

Dear Counsel:

We have received completed claim(s), filed by either you or your client, for the claimant(s) listed on the attached report.

Please call our office if you have any questions about the listed clients' claims or other claims you have filed.

Sincerely,

Michelle Dalsin
Sr. Project Administrator

Enclosure

W. R. Grace Co., et al Bankruptcy
Claim Acknowledgement

Type Code	Claim Number	Receipt Date	Claimant Name	SSN or FIN #	Attorney Name
BF	601	11-01-2001	BRENDA S HELMS		JOHN E WALL JR
BF	602	11-01-2001	DAVID L ARCHER JR		JOHN E WALL JR
BF	604	11-01-2001	MICHELLE BARCHER		JOHN E WALL JR

B10 (Official Form 10) (Rev. 10/98)

UNITED STATES BANKRUPTCY COURT For the District of Delaware		PROOF OF CLAIM
In re: <u>W.R. Grace & Co., et al</u>		Case Number: <u>01-139 thru 01-1200 (JF)</u>
NOTE: This claim should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Creditor Name (Person or entity debtor owes) <u>Michelle B. Archer</u> Address Line 1 <u>706 W. TEXAS</u> Address Line 2 _____ Address Line 3 _____ City <u>IOWA PARK, TX 76367</u> ST ZIP _____	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notice from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: <u>Civil Action No. 7-99-CV-011-R</u>		<input type="checkbox"/> replace <input type="checkbox"/> amend Check here if this claim _____ = previously filed claim dated: _____
1. BASIS FOR CLAIM <input type="checkbox"/> Goods sold <input checked="" type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Services performed <input type="checkbox"/> Taxes <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) <input type="checkbox"/> Money loaned <input checked="" type="checkbox"/> Other (Describe briefly) <u>wrongful termination of employment</u> Your social security No. _____ Unpaid compensation for services performed from _____ (date) to _____ (date)		2. Date Debt Incurred: (MM/DD/YY) <div style="border: 1px solid black; width: 100px; height: 30px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 30px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 30px;"></div> 3. If Court Judgment, Date Obtained: <div style="border: 1px solid black; width: 100px; height: 30px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 30px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 30px;"></div>
4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM AT TIME CASE FILED.		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> SECURED CLAIM Attach evidence of perfection of security interest. Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly) _____ Amount of principal and other charges at time case filed included in secured claim above, if any: \$ _____ </div> <div style="width: 50%;"> <input type="checkbox"/> UNSECURED PRIORITY CLAIM - Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,300), earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(2) <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$1,950 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Taxes or penalties of governmental units - 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a) _____ </div> </div>		
5. AMOUNT OF CLAIM AT TIME CASE FILED: <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="border: 1px solid black; width: 100px; height: 30px; text-align: center;">(Secured)</div> <div style="border: 1px solid black; width: 150px; height: 30px; text-align: center;">1910100.00 (Unsecured Nonpriority)</div> <div style="border: 1px solid black; width: 100px; height: 30px; text-align: center;">(Unsecured Priority)</div> </div> <input type="checkbox"/> Check this box if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.		
6. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.		THIS SPACE IS FOR COURT USE ONLY
7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
8. TIME-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclosed a stamped, self-addressed envelope and copy of this proof of claim.		
Date <u>6-12-01</u>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) <u>Michelle Archer M. Archer</u>	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 2571.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

JAN 14 1999

NANCY DOHERTY, CLERK
By _____ Deputy

MICHELLE ARCHER,

Plaintiff,

V.

CRYOVAC, INC. and SEALED AIR
CORPORATION-CRYOVAC DIVISION,

Defendants.

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7-99CV-011-X
CIVIL ACTION NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

COMES NOW Michelle Archer, Plaintiff, complaining of Defendant, Cryovac, Inc., and Sealed Air Corporation-Cryovac Division would respectfully show unto the Court as follows:

JURISDICTION AND VENUE

1. Plaintiff Michelle Archer ("Archer") invokes this Court's jurisdiction pursuant to 38 U.S.C. 4323(c)(1)(A).

2. The unlawful employment practices alleged below were committed within the Wichita Falls Division of the Northern District of the State of Texas.

PARTIES

3. Archer is a female citizen of the United States and a resident of Wichita County, Texas, in the Northern District of Texas. She was employed by the Defendant at all times relevant to the allegations set forth in this Complaint.

4. Defendant, CRYOVAC, INC., is a Foreign corporation authorized to do business in the State of Texas and may be served with process by serving its registered agent, The